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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,178	06/04/2001	Hiromu Ueshima	100341-00009	9626

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ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
ASHBURN, STEVEN L	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/856,178	UESHIMA ET AL.	
	Examiner	Art Unit	
	Steven Ashburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-9 and 11-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,2,4-9,11-20,23 and 24* is/are rejected.

7)☒ Claim(s) *21 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The objection to the drawings is withdrawn.

Claim Rejections - 35 USC § 112

The rejection of claims 1-14 under the first paragraph of 35 U.S.C. 112 is withdrawn.

Claim Rejections - 35 USC § 103

Claims 1 and 3-6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki et al., U.S. Patent 6,312,335 B1 (Nov. 6, 2001) in view of Uemura et al., U.S. Patent 4,521,020 (Jun. 4, 1985), Bagley et al., U.S. Des. 423,600 (Apr. 25, 2000) and Nakayama et al., U.S. 4,924,131 (May 8, 1990).

Claims 1, 7, 23 and 24. Tosaki discloses a fishing game system wherein the input device is a simulated fishing rod and reel. The input device includes means for detecting physical movement of the device as a whole and converting the physical quantities to a detection signal that is output to the game process. *See abstract.* The input device further includes vibration means for inducing mechanical displacement corresponding to instruction signals. *See id.* Tosaki discloses all the features of the claims except (i) a game processor and memory within the housing of the casting rod and (ii) a piezoelectric buzzer.

Regarding the feature of having game processor and memory within the housing of the casting rod; it is generally within the ordinary skill of an artisan to use one piece construction instead of the structure disclosed in the prior art. *See In re Larson,* 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). In terms of a game devices, Uemura discloses a video game having player-controls, processing and input/output means housed within a controller that connects directly to a television. *See fig. 1; col. 4:46-50, col. 6:5-45.* Furthermore, in terms of a fishing rod, Bagley illustrates a fishing game in which

the electronics are located in the housing of the fishing rod. Thus, in view of Uemura and Bagley , it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the game system disclosed by Tosaki to add the feature of having the game processor and input device within the housing of the fishing rod. As suggested by Uemura, the modification would enhance the game system by providing a simpler structure and reducing cost. *See fig. 1; col. 4:46-50, col. 6:5-45.*

Regarding the piezoelectric buzzer, the fishing rod disclosed by Tosaki includes an acceleration sensor for detecting movement of the rod. *See fig. 4(105); col. 7:4-60.* However, the features of the acceleration sensor are not detailed. Regardless, Nakayama discloses an acceleration sensor designed to be placed perpendicular to an object's direction of the movement, comprised of a piezoelectric plate with a main surface and electrodes sandwiching the piezoelectric plate wherein a potential difference appears between the electrodes. *See abstract; fig. 6(a), 6(b), 7; col. 1:5-2:14.* In view of Nakayma, it would have been obvious design choice to an artisan to modify Tosaki, wherein an acceleration sensor detects movement of the rod, to substitute an acceleration sensor comprised a piezoelectric plate, a main surface perpendicular to the direction of the movement, and electrodes sandwiching the piezoelectric plate wherein a potential difference appears between the electrodes. As taught by Nakayma, use of the described acceleration sensor would improve the performance of the fishing rod by providing high sensitivity to low accelerations and frequencies of movement. *See col. 1:50-58.*

Consequently, when the prior art is taken as a whole at a time prior to the invention, it collectively suggests a fishing game system having a game processor and memory housed with the a fishing rod and a piezoelectric buzzer as claimed by the applicant.

Claim 4. Uemura additionally teaches an AV cable connecting the game system with the television monitor to supply video and audio signals from the game processor to the television through the AV cable. *See fig. 1(21); col. 6:5-30; 12:54-13:12.*

Claim 5. Uemura additionally teaches a game system including an information storage medium and a game processor including operation processing means, image processing means and memory. *See fig. 2-20.*

Claim 6. Tosaki additionally teaches an information storage medium including a non-volatile semiconductor memory. *See col. 4:43-54.*

Claim 9. Tosaki additionally teaches a tension key operated by a game player to control the tension on the fishing line displayed on the screen and the game processor determining that the game player fails to catch a fish when the tension reaches a predetermined value. *See col. 14:59-15:25.*

Claim 11: Tosaki additionally describes a rotation amount associated signal generating means generates numbers of pulse signals and the second input means includes a mouse-type counter that counts the pulse signals. *See fig. 2a(26), 2b(101); 6:61-7:3.*

Claim 12: Tosaki additionally teaches the casting rod includes a vibrator that is driven by the game processor when a fish bite occurs in the process of the game. *See col. 3:66-4:6.*

Claim 13. Tosaki additionally teaches a tension key operated by a game player to control the tension on the fishing line displayed on the screen and the game processor determining that the game player fails to catch a fish when the tension reaches a predetermined value. *See col. 14:59-15:25.*

Claim 14. Tosaki additionally teaches the rotation amount associated with the signal generating means generates the rotation signal as a number of pulse signals and the second input means includes a mouse input which counts the pulse signals. *See fig. 2a(24-26), 2b, 4(24, 104), 6(S22,S25).*

Claims 19 and 20. Bagley discloses a fishing line connected between the end of the casting rod and a second end terminating inside the casting rod.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki in view of Uemura, Bagley and Nakayama , as applied to the claims above, in further view of Goschy et al., U.S. Patent 6,545,661 B1 (Apr. 8, 2003).

The fishing game system suggested by the combination of Tosaki in view of Uemura, Bagley and Nakayama describes all the features of the instant claims except a light spot detecting means for detecting a light spot of a scanning display and determining the direction of the cast on the game screen according to the output of the light spot detecting means.

Goschy discloses an analogous apparatus for controlling a video game wherein the game is controlled in response to the output of an accelerometer and light spot sensor. *See col. 1:55-2:9.* The system includes a game controller, a video display and a hand-held control unit. *See id.* The control unit houses an accelerometer that senses the tilt of the control unit with respect to an axis. *See id.* The accelerometer produces an acceleration signal indicating the tilt of the control unit with respect to the axis. The game controller processes the acceleration signal to control the movement of a game character on the video display. *See id.* Additionally, the control unit includes a light sensor that detects one or more light pixels from the video display and produces a detection signal to the game controller. *See id.* The game controller determines from the detection signal the light pixels detected from the video display. *See id.* Goschy teaches the system enhances the game by allowing a player to input direction commands

by tilting the controller and then select a target merely by pressing a button. *See col. 1:46-52.* The reference suggests the system is particularly well suited for video games where guns, swords, bats, clubs, rackets, gloves, etc. are used to manipulate characters on a video display. *See col. 2:5-8.* Hence, Goschy generally suggests employing the system in games where the controller is swung.

In view of Goschy, it would have been obvious to an artisan at the time of the invention to modify the fishing game apparatus suggested by the combination of Tosaki in view of Uemura, Bagley and Nakayama, wherein a simulated casting rod is swung at a screen, to add the feature of a light spot detecting means for detecting a light spot of a scanning display and determining the direction of the cast on the game screen according to the output of the light spot detecting means. As suggested by Goschy, the modification would enhance a video game where a controller is swung to control the game by allowing a player to input direction commands by tilting the controller and then select a target merely by pressing a button. *See col. 1:46-52.*

Allowable Subject Matter

Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: In addition to the features upon which claim 21 depends, the prior art does not describe a simulated fishing rod having a fishing line terminating in at a spring inside the casting rod. Claim 22 is allowable because it depends on claim 21.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the applicant's amendment.

Prior Art, Not Relied On

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: 'Fishing Games: The Evolution of Virtual Fishing Games' details the history of virtual fishing games.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARK SAGER
PRIMARY EXAMINER

s.a.